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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nürnberg, Germany, on 19 January, 1946, 10.05 - 13.00, Lord Justice Lawrence presiding.

M. HERZOG: Mr. President, your Honors.

At the end of yesterday's session I was expounding to the Tribunal the conditions under which obligatory labor services were progressively imposed in France. I reached the second action of the Defendant Sauckel--to the actions of February 1943.

The second action of Sauckel precipitated the enforced enrolment of Frenchmen during the months of February and March 1943. Several tens of thousands of young men, who were of the military conscription class of 1940 and 1942, were deported to Germany by the application of the law of February 16. The rhythm of these deportations slowed down in the month of April, but the Arbeitz-seinsatz formulated immediately new requirements. April 9, 1943, the Defendant Sauckel asked the French authorities to furnish him 120,000 workers during the month of May; 100,000 during the month of June. In June he made it known that he wished to bring about the transfer of 500,000 workers up to December 31.

Sauckel's third action was going to begin. It was to be marked, on June 5, 1943, by the total mobilization of the Frenchmen of the military conscription class of 1942. All exemptions established by the law of February 16 and subsequent measures were withdrawn, and the young men of the 1942 military conscription class were sought in all of France.

In reality Sauckel's third action was especially manifested by a violent pressure of the Defendant, tending to obtain a wholesale deportation by means of forced recruiting. I offer in evidence three documents, which testify to the action brought about by Sauckel during the summer of 1943.

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The first document is a letter from Sauckel to Hitler, dated 27 June, 1943. Drafted by the Defendant, upon his return from a trip to France, it contains the outlines of a plan for the recruiting of French workers for the second half of 1943. It concerns the securing, on the one hand, that one million workers be assigned in France to French armament factories and, on the other hand, that 500,000 French workers be deported to Germany. This letter, document 556-PS-39, I submit to the Tribunal, and hereby read it. It is French document 65.

"Weimar, 27 June, 1943.

"My Fuehrer:

"I allow myself herewith to inform you of my return from France, where I have been to take care of matters as to the services.

"Inasmuch as the reserves of workers in the territories occupied by the Wehrmacht are numerically, to a large extent, engaged, I am at the present moment deeply studying the possibility of mobilizing other reserves of workers for the Reich or the occupied territories for the German war economy.

"In my report of April 4, I pointed out it was at present necessary to effect an intensive co-ordination of the European labor forces in the territories submitted to the direct influence of the Reich.

"The object of my visit, which I have just made to Paris, was precisely to study the possibilities, after discussions, interviews and personal studies, to engage still other workers. After having made a serious study I have come to the following decision.

"1. Since, in France, the measures concerning the war economy are comparable to those existing in Germany only to an approximate degree, it is possible to add until the 31 of December, 1943, up to that time that is, another million workers, men and women, to French war industry and armament industry, charged with the execution of German orders. In this case it will be possible

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to place further orders in France.

"2. While taking account of those measures, it is possible, after a detailed study and with the co-operation of our German armament services and obligatory labor, to transfer between now and the end of the year another 500,000 workers, men and women, from France to the Reich.

"The necessary conditions for the carrying out of this program established by myself are the following.

"1. A close collaboration of all the German services, especially with regard to the French services.

"2. A constant study of the French economy and by means of combined commissions, as they have been provided for by Mr. Speer, Minister of the Reich of Armaments and Munitions and by myself.

"3. Constant, skillful propaganda producing its effect against the cliques of De Gaulle and Giraud.

"4. The providing of an adequate food supply for the French population working for Germany.

"5. An energetic demonstration of these necessities before the French Government, in particular Marshal Pétain, who still constitutes the chief obstacle to obligatory work of French women.

"6. A perceptible development of the program which I have already introduced in France, consisting in teaching the population trades useful to the war economy."

I skip the next paragraph and I read the last paragraph.

"I beg you in consequence, my Fuehrer, please to be good enough to grant me a million Frenchmen and Frenchwomen, for the German war economy in France, and this in the course of the second half of 1943, and in addition 500,000 Frenchmen and Frenchwomen, to be transferred to the Reich before the end of the year.

"Yours faithfully and obediently, Fritz Sauckel."

The document to which I would now like to draw the Tribunal's attention proves that the Fuehrer gave his approval to

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Sauckel's program. A note drawn up on 28 July, 1943, by Dr. Stothfaug, under the stamp of the Delegation of Employment Service, gives a report on a discussion Sauckel had with the Fuehrer. It is the report of a discussion Sauckel had with the Fuehrer. It is document 566-PS-41, which I bring forward to the Tribunal under the French document number 66. I shall limit myself to reading the last paragraph.

"Paragraph D. The transfer provided for the end of the year of 500,000 French workers for industries in France and of 500,000 other French workers within the Reich has been approved by the Fuehrer."

A document finally establishes that the Defendant Sauckel, on the strength of Hitler's approval, attempted to realize his program by working on the French Government. This document is a letter from Sauckel to Hitler. It is dated 13 August, 1943, upon the Defendant's return from a trip to France, Belgium and Holland. It is document 556-PS-43. I shall read it to the Tribunal. It is French document number 67.

"Weimar, August 13, 1943.

"My Fuehrer:

"I will allow myself to inform you of my return from France, Belgium and Holland, where I have made a trip. In the course of long, hard negotiations I have imposed upon the occupied territories of the West, for the last five months of the year 1943, the program indicated herewith and have prepared very detailed measures for its carrying out: in France with the military commandant, the embassy of Germany, the French Government; in Belgium with the military commandant and in Holland with the services of the Reichskommissar.

"The program provides:

"1. The transfer to France of one million workers, men and women French workers, of the civil industry to the German war

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industry in France. This measure is to permit a new and important displacement to France of the execution of German commands.

"2. The taking on of 500,000 French workers for Germany. This figure is not to be made public.

"3. In order to make futile any passive resistance of numerous groups of French functionaries, I have ordered under an agreement with the military commandant in France, the creation of labor service commissions, exercising their functions in two departments at once and placed under the control and the direction of labor services of the German Gau. It is only in this manner that it will be possible to utilize the whole French labor potential and to obtain its full activity. The French Government has accepted."

If the Tribunal will allow me, I shall quote the rest of this letter, which will allow me later to refer back to it.

"4. A program was established in Belgium for the employment in the Reich of 150,000 workers as well as an organization for obligatory labor, similar to that provided for in France, and this has been done in agreement with the military commandant in Belgium."

I skip and proceed to the fifth paragraph.

"A program has likewise been worked out for Holland, providing for the sending to Germany of 150,000 workers and the employment for German war production 100,000 workers, men and women, drawn from the Dutch civil industries."

Such was Sauckel's program in 1943. His plan was partly thwarted by the resistance of the officials and patriotic workers. The proof of this is furnished by a statement of the Defendant. I am referring to the report on a conference of the Central Office for the Four Year Plan on March 1, 1944. The Tribunal will remember that it concerns document R-124, which I read yesterday. I shall read from the first page of the French translation, second paragraph--German text 1768-1769.

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THE PRESIDENT: What is the number of that?

M. HERZOG: Document number 30, second paragraph, first page.

"In autumn of last year the recruiting program, to the extent to which it concerned supply from abroad, was frustrated to a very great extent. I need not give the reasons in this circular. We have talked enough about this, but I have to state the program has been smashed."

Sauckel was not discouraged, however, by the difficulties which he had encountered in 1943. In 1944 he attempted to realize a new program by means of the fourth action.

The National Socialist authorities decided to assure in 1944 the transfer of four million foreign workers to Germany. This decision was made on 4 January, 1944, in the course of a conference held at the headquarters of the Fuehrer in the presence of the latter. The report on this conference makes up document 1292-PS. I submit it herewith to the Tribunal under French document number 68, and I read from this page 3 of the French translation--the German original page 6, last paragraph.

"The results of the conference:

"1. The Plenipotentiary for Employment of Labor shall procure at least four million new workers from occupied territories."

The details about the required contingents from each occupied territory must have been determined on 16 February, 1944, in a conference of the Central Office for the Four Year Plan. Yesterday I submitted the report of this session at the outset of my explanation, under the document number 20. I read today from page 2 of the translation, the second page of the German original.

"Conclusion of the 53rd session of the Office of the Central Plan.

THE PRESIDENT: Did you say document 20?

M. HERZOG: Yes, document 20.

"Campaign of labor recruiting in 1944.

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"1. Among the German internal reserves one might, with an extraordinary effort, mobilize approximately 500,000."

I skip now to the second.

"2. Recruiting of Italian labor to the number of 1,500,000, of which from January to April 250,000 per month and from May to December 500,000 per month.

"3. Recruiting of French labor in monthly quantities, to the number of one million from the first of February to 31 December, 1944, approximately 91,000 per month.

"4. Recruiting of labor in Belgium 250,000.

"5. Recruiting of labor in Low Countries 250,000."

I stop the quotation here as the other paragraphs concern the countries of Eastern Europe.

The Tribunal has seen that France was called upon to furnish an important contingent of workers. Since the 15th of January Sauckel went to Paris to dictate his demands to the French authorities.

The fourth Sauckel action was effected by two distinct measures: the adoption of the procedure called the combing of industries, and the publication of a law of 1 February, 1944, which widened the field of application of the service of forced labor. The system of combing industries led the administration of labor to conduct direct recruiting in the industrial enterprises. Mixed French-German commissions were set up in each Department. They decided on the percentage of workers they thought it appropriate to deport. They proceeded to claim them and to have them transferred.

The practice of combing the industries represents since 1943 the realization of the elaborate projects by the accused Sauckel. In the documents which I have read to the Tribunal Sauckel announced his intention of creating mixed labor commissions.

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The law of 1 February, 1944, marked the culminating point on the legislative plan of the actions led by Sauckel. It extends the scope of application of the law of 4 September, 1942. Beginning with February 1944 all men between the ages of 16 to 60, and all women between the ages of 18 and 45 were subject to compulsory work.

I present before the Tribunal the law of 1 February, 1944, No. 69, and I request that it take judicial note of it.

The proof of the pressure that Sauckel exerted on the French authorities to impose on them the publication of this law is furnished by a report of the Defendant to Hitler. This report bears the date of 25 January, 1944. It was, therefore, prepared during the course of the negotiations which characterized the fourth Sauckel action. It constitutes document 556-PS-55. I present it before the Tribunal No. 70. I shall read this document.

"25 January, 1944.

"My Fuehrer:

"The French Government, as well as Marshal Pétain, have on the 22nd of January, 1944, to a great extent accepted my demands in regard to the increase in hours of labor---to extend it from 40 to 48 hours a week---as well as the law providing for an extension of the labor service in France and the sending of French workers to Germany.

"The Marshal did not express himself in agreement on the subject of the use of the work of women in the Reich, but solely within France itself, and this to be limited to women aged 26 to 45 years. Women aged from 15 to 25 are to be employed only at the place of their residence.

"Inasmuch as this constitutes nevertheless a great progress, if one considers the extremely difficult negotiations which I have been obliged to conduct in Paris, I accepted the law in order to avoid any loss of time and on condition that the German demands are

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applied and carried out with energy.

"The French Government likewise accepted my demand that French officials sabotaging the application of the law of obligatory labor service should be condemned to very severe penalties that might even include the death sentence. I have not allowed a doubt to exist as to the rigor of the measures that would be taken in case the requirements concerning the transfer of workers were not carried out.

"Your ever devoted and faithful, Fritz Sauckel."

I call the attention of the Tribunal to the problem of compulsory labor of women to which the two preceding documents have reference. For a long time the French authorities expressed categorical opposition to the introduction of feminine labor. The Defendant Sauckel did not cease to exercise violent action.

On the 27th of June, 1943, in a letter to Hitler, he suggested that a strong representation of German interests be made before the French Government. I have already read this letter to the Tribunal, No. 65. I shall not revert to it, but I do wish to emphasize that the law of February 1 did not satisfy Sauckel and did not appease his demands. His miscontent and his will to pursue his policy of constraint are translated and expressed in a report of 26 April, 1944, which has his signature and presentation of which is assured by Berk, one of his assistants.

There are four reports involved in this same batch, and they constitute 1289-PS. I present them under French document number 71, and I read from the second page of the French translation.

"(1) The problem of women. At the time of the promulgation of the French law instituting obligatory labor service, the French authorities, Marshal Pétain in particular, have urgently insisted on the exemption of women from obligatory service in Germany. After long hesitation the G.B.A. responsible for the work gave its agreement to this exemption.

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"This agreement was granted under the reservation, however, that the provisions of contingents demanded were met. In the contrary case the G.B.A. would reserve to itself the right of taking new measures. Inasmuch as the contingents were far from being met, a demand must be addressed to the French Government in order that it extend the service of obligatory labor to women."

The fourth Sauckel action, therefore, was led in such a manner as to utilize all of France's manpower. The French resistance and the development of the military operations hindered the execution of the Sauckel plan. The Defendant, however, had planned extraordinary measures which he contemplated applying on the day of the landing of the allied armies. I quote again document 1289-PS, French document 71, and I read on page 3.

"Measures for the utilization of labor in the case of invasion. In the occupied territories there have already been partly established dispositions to evacuate the population of regions menaced by invasion and to save in this manner a precious labor reserve. In view of the actual situation of labor in Germany, it is necessary to bring labor to the greatest possible potential of production in the Reich.

"Orders for the Wehrmacht to assure the security in the carrying out of these measures are indispensable. For an ordinance of the Fuehrer the following text is proposed."

I shall not read the text of the ordinance proposed by the Defendant Sauckel.

The rapidity of the Allied victory was of such a nature that Sauckel did not have the possibility to carry out his plan of mass deportation. However, he undertook its execution. The deportations of workers were prolonged up to the day of liberation of the territory. Several hundred thousand French workers were at that time stationed in Germany as a result of the various actions of

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Sauckel, and I demand of the Tribunal that it retain him as a Defendant.

The compulsory labor service was introduced in Norway in the same manner as in France. The Defendants imposed upon the Norwegian authorities the publication of a law instituting the compulsory registration of Norwegian citizens, and ordering their enrolment by force. I cite in this respect the preliminary report on the crimes of Germany against Norway, a report prepared by the Government of Norway. I submit it to the Tribunal, and I quote an excerpt from it that bears the number UK-19. It is French document number 72, and I read from the first page, the third paragraph.

"The result of Sauckel's order in Norway has been the promulgation of the Quisling law of 3 February, 1943, concerning the obligatory enrolment of Norwegian men and women for the so-called effort of national labor.

"Terboven and Quisling have openly admitted that the law had been promulgated to enable the Norwegian people to utilize its labor for the benefit of the German war effort.

"In a speech of 2 February Terboven declared among other things that he himself and the German Reich supported this law with their authority, and he threatened the use of force against one who would attempt to oppose its execution."

In Belgium and in the Netherlands the German authorities made use of a direct procedure. The compulsory labor service was organized by decrees of the occupying power. In Belgium these are decrees of the military commander and in the Netherlands decrees of the Reich Commissar. I remind the Tribunal of the fact that the authority of the military commander in Belgium extended to the north of France.

This is a decree of March 6, 1942, which established the principle of compulsory labor in Belgium. It appeared in the Belgium Verordnungsblatt of 1942, page 845. I submit it to the

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Tribunal under number 73, and I ask the Tribunal to take judicial notice of it.

The decree of March 6 excluded the possibility of forced deportation of workers to Germany. This deportation was ordered by a decree of October 6, 1942, which appeared in the Belgium Verordnungsblatt of 1942, page 1060. I submitted it to the Tribunal under number 67 in the course of my explanations.

The German activities in Belgium gave rise to protests of the leading Belgian personalities, among others the King of Belgium.

The decrees instituting compulsory labor in Belgium and the North of France bear the signature of General von Falkenhausen, but the latter proclaimed his decree of October 6 on the order of Sauckel. I relate again to the testimony of General von Falkenhausen, which I submitted to the Tribunal yesterday under the French document 15. I beg the Tribunal permission to read from the following passages, first page, fifth paragraph.

"Q On 6 October, 1942, there appeared an ordinance which instituted forced labor in Belgium and in the Departments of the North of France for men of 18 to 50 years old and for single women from 21 to 25 years old.

"A I was commander-in-chief for Northern France and Belgium.

"Q Does the witness recall having promulgated this ordinance?

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"A I do not remember exactly the text of this ordinance because it was made following a long dispute with the labor deputy Sauckel.

"Q Did you have any trouble with Sauckel?

"A I was fundamentally opposed to the establishment of compulsory labor, and consented promulgating the ordinance only after receiving orders.

"Q Then this ordinance was not brought up on the initiative of von Falkenhausen himself?

"A On the contrary.

"Q Who gave instructions in such matters?

"A I suppose that at that time Sauckel was already in possession of the responsibility for manpower and that at that time he gave me all instructions on Hitler's orders."

I skip and take up the quotation again on Page 3 of the French translation, the fourth paragraph:

"Q Since you were opposed to this idea of compulsory labor, didn't you react when you received these instructions?

"A There were unending battles between Sauckel and myself. In the end this contributed to a large extent to my resignation."

End of the quotation.

The violence of the pressure exerted against the German administrators in Belgium by the defendant Sauckel in order to impose on them his plan of recruitment by force is equally demonstrated by two documents which I have produced to the Tribunal. Under Number 67 the Tribunal will remember that it is the report addressed on the 13th of August 1943 by Sauckel to Hitler on his return from France, from Belgium and from Holland.

Finally, I have to report on the introduction of forced labor in the Netherlands. I request the Tribunal to retain the institution of forced enrollment in the occupied Netherland territories for the accusation of the defendant Seyss-Inquart just as well as for the accusation of Sauckel.

Decrees of the Reich Kommissar have really organized the deportation of the Netherland workers. Whether they bear his signature of were issued

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at his order they established all the more the responsibility of the defendant who in his quality as Reich Kommissar derived his powers directly from the Fuehrer.

The defendant Seyss-Inquart introduced forced labor service in the Netherlands by a decree of February 18, 1941, promulgated in the Dutch Verordnungsblatt of 1941 under Number 42. I have already produced this decree in the course of my explanation under Number 58, which I ask the Tribunal to kindly take under judicial notice.

As in Belgium the forced labor could originally be requested only in the interior of the occupied countries, but, just as in Belgium, it was soon extended in order to permit the deportation of workers to Germany. The extension was put into realization by a decree of Seyss-Inquart of March 23, 1942, which appeared in Number 26 of the Verordnungsblatt, 1942.

I depose it with the Tribunal under Number 74, and I ask the Tribunal to add this to the brief.

The defendant Seyss-Inquart has thus traced the road on which the defendant Sauckel was to proceed to action. Sauckel utilized, in a way, all the human potential of the Netherlands. New measures were soon necessary, measures which Seyss-Inquart adopted.

A decree dated Mat 6, 1943, Verordnungsblatt, 1943, Page 173, ordered the mobilization of all men from 18 to 35 years of age. I produce this decree as Document 75.

From the 19th of February 1943, Seyss-Inquart had decreed a text which permitted his services to take all measures in the utilization of labor considered to be opportune.

This decree, which appeared in the Verordnungsblatt of 1943, Number 77, has been submitted to the Tribunal as Document Number 77.

The importance of deportation from Holland in 1943 is attested by a letter of 16 May 1943 from the representative of Sauckel in the Netherlands. This letter, which bears the Number 74, is placed before the Tribunal under Number 77. I shall read it.

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THE PRESIDENT: 77 or 74?

MR. HERZOG: 77.

"In conformity with the census decree of 7 May, the classes 1920 to 1924 have been registed on filing cards. Aside from this work and in spite of its very great importance, 22,986 workers have been sent to the Reich. It has been possible to send them to the Reich without counting the war prisoners that have been transferred.

"During the month of June the figure that had not been completely reached in the month of May will be compensated. These classes include, according to the statistical service of the Kingdom of Holland, 80,000 persons, and the transferring of these classes to the Reich has already begun.

"446,493 persons have been transferred to the Reich up to June 1, 1943, and some of them have once more returned from there. The figures on the indexes appear as follows:

"Class 1921, 43,331. Class 1922, 45,354. Class 1923, 47,593. Class 1924, 45,232.

"As there have been up to 18 percent of escapes from this labor recruiting it is indispensable to begin immediately to transport workers to the Reich in entire classes. The Kommissar of the Reich has given his agreement to this action. The other services of economy, of armament, of agriculture, and of the Army, pressed by necessity, have given their agreement."

End of quotation.

At the end of the year 1944, the German authorities aggravated their pressure on the Netherlands. At that time - this was the time when tens of thousands of persons were arrested within two days in Rotterdam - systematic roundups took place in all the larger cities of Holland, sometimes improvised, sometimes after proclamations made to the population to appear in certain given places. I submit to the Tribunal various proclamations of this kind. They form Document 1162-PS. They have already been presented to the Tribunal by Mr. Dodd. I shall not read

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them again. I use them in support of my argument and submit them as Document 78.

These documents do not report isolated facts; they show a systematic policy which the accused persued up to May 5, 1945, when the capitulation of Germany brought the liberation of the Netherlands.

I still owe to the Tribunal a supplementary explanation. The accused did not limit themselves to introduce the service of forced labor into the occupied territories. I have said that they took criminal measures of coercion to assure the execution of the mobilization of foreign workers. I shall bring evidence of this.

The measures taken by the National Socialist authorities to guarantee the forced enlisting of foreign workers cannot be disasociated from the procedures they applied to assure the so-called voluntary enlistment. The pressure was stronger, but it originated from the same spirit. The method was to deceive, and, if this proved unsuccessful, to coerce. The accused very soon realized that no kind of propaganda would succeed in justifying in the mind of the victims the forced labor. If they did have any doubts in this regard, these would have been dissipated by the reports of the occupation authorities. The latter were unanimous in their reports of the political troubles and difficulties which were provoked by this forced enlistment and on the resistance against which it ran. Therefore, the accused had to use force in order to assure the execution of the civilian mobilization which they had decreed.

First in line among the violent measures which the Germans used, I quote the witholding of the ration cards of the obstinates. The Tribunal will recall the Fuehrer's decree of 8 September 1942, which I submitted under No. 55, in which it was ordered that this measure should be executed. According to this order, food and clothing ration cards were not to be handed to persons incapable of proving that they were working, nor to those who refused to do obligatory work. Hitler's order was carried into effect in all occupied territories. In France, circulars enforced by the occupation authorities prohibited the renewing of food and clothing cards of the French people who had eluded the census of the law of 16 February, 1943.

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In Belgium, the cancelling of ration certificates was regulated by an order of the Military Commander. It is the order of 5 March 1943, which was published in the Verordnungsblatt for Belgium and Northern France in 1943, and which I present under No. 79. General von Falkenhausen, the signatory of this order, admitted the seriousness of it in an interrogation, which

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I have submitted to the Tribunal under No. 15, and to which I return.

General von Falkenhausen declared that Sauckel was the source of this decree and that he had refused to grant an amnesty which General von Falkenhausen had proposed. I quote, page 4 of the French translation, fifth paragraph:

"Does the witness remember a decree of 5 March 1943, in the course of which those refusing to submit to forced labor had their ration card withdrawn?

"A. I do not remember. At the time when the ordinance was issued for men from 18 to 20 years old, the implementing orders were not given by myself but by my offices, and I am not conversant with the details regarding the application of penalties. I was not the executive head of the administration. I was above it.

"Q. But at that time you were informed of the means of pressure and manner of treatment which the authorities reserved the right to employ?

"A. I do not wish to deny my responsibility, especially as, after all, I was aware of many things. I remember in particular the regulation regarding ration cards, because I proposed on repeated occasions that an amnesty be declared for persons who were obliged to live without legal status and who were without a ration card.

"Q. To whom was this proposal made?

"A. To Sauckel, with the consent of the President, Revert.

"Q. What was the position taken by Sauckel at that time?

"A. He refused to permit this amnesty." The end of the quotation.

In Holland likewise the renewal of ration certificates which did not bear the stamp of the employment office was prohibited.

The defendants used a method of coercion which is even more criminal than the cancellation of ration cards. I want to speak of the persecutions which were directed against the families of those who were rebellious to compulsory labot. I say this method is criminal, because it is based on a conception of family responsibility which is contrary to the fundamental principles of the penal code of all civilized nations. It was, nevertheless, sanctioned in several legislative texts ordered or enforced by the National Socialists.

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In France, I quote the law of the 11th of June, 1943, which I place before the Tribunal and ask it to take judicial notice of it under No. 70.

In Belgium, I refer to the order of the Military Commander of April 30, 1943, and particularly to paragraphs 8 and 9. I place this decree before the Tribunal under No. 80, and ask it to take judicial notice thereof.

Judicial action by the defendants was like wise directed against the employers and against the officials of the employment offices in France. In France, the action was initiated by two laws of 1 February 1944. I emphasize that these laws were issued on the same day as the law on compulsory labor, and I assert that they were enforeced at the same time as this latter. In support of my statement, I have the confirmation of the Defendant Sauckel, in his letter of 25 January 1944, which I read a while ago to the Tribunal under No. 60 -- law of February 1944, No. 82, and I ask the Tribunal to accept this document and to take judicial notice of it.

There were other pressure measures. One of these, for instance, was the closing of the faculties and schools to defaulting students. It was decreed in Belgium on 28 June, 1943; in France, on 15 July 1943. In Holland the students were victims of a systematic deportation from February on. I quote in this connection a letter of May 4, 1943, from the Supreme Chief of the SS, the Police Chief. This is Document 665, which I produce under No. 83 in the French documentation.

THE PRESIDENT: Perhaps this is a good time to break off.

(A recess was taken from 1115 to 1130 hours.)

M. HERZOG: Mr, President, Your Honors. At the resumption of the session I shall read to the Tribunal the letter of the 4th of May 1943, which proves the action which was taking place in Holland considering the deportation of Hollanders. I read Document 83 from my document book.

"Purpose: Action Against Students.

"The action will be executed beginning on Thursday morning. It is now too late today to have this published. The proclamation of the Supreme Chief of the SS and of the Police will be given by radio beginning tomorrow morning at seven o'clock; and moreover, in the morning and in the evening in tomorrow's press. Moreover, we will carry out the directive expressed in the telegram yesterday."

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Following is the text of the proclamation:

"Ordinance on the census of students."

I will skip the first paragraph and I will read paragraph one, Roman numeral.

"All persons of masculine sex who have attended during the years 1942-43 a Dutch high school and have not yet finished their studies should present themselves between ten o'clock and fifteen hours to the commander of the sector of the SS and the Security Police competent for the locality in which they reside with the view of employing them for forced labor."

I will now read paragraph four.

"One. He who violates this ordinance or tries to avoid it, and particularly who does not consider himself to be obligated by this order, and whether intentionally or through neglect makes false declarations or false statements will be pubished through imprisonment or through five without limitation of either one of these two penalties considering the other decrees, unless, the other decrees provide for a greater penalty. Those who exercise the paternal authority over the students are co-responsible for the obligatory appearance of the students. They are threatened with the same penalties as the students themselves. This ordinance enters into force with the proclamation. Signed, Supreme Chief of the SS and Chief of the Police connected with the Reich Commissar for the Occupied Territories."

But no measures whatsoever succeeded in intimidating the workers in the occupied territories.

The Defendants, all things considered, appealed to their police force to insure the arrest of workers whom they had destined for deportation to Germany.

This police intervention had been required by the Defendant Sauckel. As evidence I submit two documents. The first is of the minutes of a conference which took place on January 4, 1944, at the headquarters of the Fuehrer. I submit this document under number 68. I have already submitted this document under the number 68, and I read, French translation, page two, next to last paragraph; German original page four, in the middle of the page. Document 68:

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"The Plenipotentiary for the Distriubtion of Labor, Sauckel, declared that he would try with his fanatical determination to obtain workers. Up to now he had always kept those promises as far as the number of workers to be furnished. With the best will in the world, nevertheless, it was impossible for him to make a definite promise for 1944. The success will depend in the first place on the number of German police which can be put at his disposal. This project can not be carried out without German police forces."

Now I refer to the declaration made by Sauckel at a conference of the Central Office for the Four Years Plan on March 1, 1944, Document No. 30, to which I several times drew the attention of the Tribunal. The passage which I am now about to read has not yet been commented to the Tribunal. Page three of the French text, fifteenth line from the bottom.

"The term 'protective custody' of a factory in France means simply that the factory is protected against Sauckel. We pity the French, and the French can not be blamed. In their eyes the Germans are not in agreement either with their opinions or with their actions. It is not up to me to decide up to what point the creation of protective enterprise is useful and necessary. I can only state that their creation affected the work which is expected of me. On the other hand, I have reason to hope I will beable to succeed. First, in utilizing my former group of agents and those respensible for labor employment; afterwards, by trusting to the measures which I have been fortunate enought to obtain from the French govermment.

"In the course of a discussion which lasted five or six hours I obtained from Mr. Laval the concession that officials would be threatened with penalty of death who tried to sabotage the enrollment of workers and certain other measures. Believe me, this was very difficult. A severe struggle was necessary to succeed, but I succeeded. And now in France the Germans must truly take severe measures in the event that the French Government does not do so. Do not be offended

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if I and my assistants in fact have sometimes seemed to do things in France that I am forced to ask, is there no longer any respect in France for the German Lieutenant and his ten men? For months everything that I said finds this reply, What do you mean, Your Honor, the Gauleiter? Do you know that we have no means of execution at our disposal? We cannot act in France. They gave me this reply I do not know how many times. How then can I regulate the enrollment of labor so far as France is concerned? There is only one solution. The German Authorities must cooperate with each other if the French despite all their promises, do not act. We then, we Germans, we must make an example of one case, and after that law hang, if that is necessary, the prefect or the mayor if he doesn't submit to the rules. Otherwise there will not be one Frenchman sent to Germany."

It was thus finally that the deportation of workers to Germany was assured by their systematic arrest. It was in accordance with the logic of the National Socialist system that the recruiting policy of foreign workers be carried out through terroristic police methods.

I have told the Tribunal that the resistance by the prisoners of war and by the workers of the occupied territories against the activities, both insidous and violent, of the Defendant caused the failure of the plan for the recruitment of foreign workers. The Defendant Sauckel had the greatest difficulty in carrying out the program which he had accepted by Hitler and the Defendant's Goering, Speer, and Funk.

It does not follow that Nazi Germany did not suceed in carrying out huge deportations of foreign workers. The number of workers coming from the occupied territories and from the Western Europe who had been deported into Germany is very high. More numerous still were the workers compelled to work on the spot in factories and workyards under the control of the occupational authorities.

I shall give the Tribunal statistics which will permit my statement to be checked. These statistics are fragmentary. They are extracts from reports which the governments of the occupied countries drew up after their liberation and from reports sent during the war by the Arbeitseinsatz office to the authorities to which it was subordinate.

These statistics of Allied origin are incomplete. The records from

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which they are drawn up have been partly destroyed. On the other hand, the governments of the occupied territories are only in possesion of second hand information whenever the requistion of workers was made directly by the occupation authorities. As for the German statistics, they are also incomplete since the Allied authorities have not yet discovered all the enemy records.

It is however possible to give to the Tribunal an exact evaluation of the extent of the deportations effected by Germany.

This evaluation furnishes proof that the violations of international law commited by the Defendant's did not remain in the state of tentative endeavours characterised by the first stages of execution and reprehensible in themselves. They brought about the social disorder which, from the standpoint of penal legislation, determines the seriousness of the offense.

I shall first submit to the Tribunal the statistics furnished by the official reports of the French Government. The French

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government's record comes from the Institute of Economic Market Analysis. It consists of numerous detailed statistical tables. I quote from it in round numbers.

738,000 workers were compelled to perform labor service in France.

875,952 French workers were deported to German factories.

987,687 war prisoners were utilized for the Reich war economy.

In total, then, 2,601, 669 workers of French citizenship were compelled to serve the National Socialist war effort.

4. From the official report of the Belgian government we got the information that 150,000 persons were compelled to compulsory labor; and from the report of the official Dutch government 431,000 persons were affected.

I must remark that this figure does not take into account the systematic round-ups undertaken during November 1944, nor the deportations carried out in 1945.

I submit to the Tribunal statistics which cover all the stages of the policy of German recruiting of foreign workers. These statistics are cited from the report of the Defendant Sauckel or his administration which were concerned with the deportation of labor. The extent of labor utilized in the occupied territories is demonstrated by statistics concerning workers used in constructing fortifications of the Atlantic Wall as part of the Organization Todt, which I recall was directed by the Defendant Speer after the death of its founder. The following statistics are found in a teletype message sent to Hitler by the Defendant Sauckel on 17 May 1943. It is from Sauckel to Hitler. It is Document 556-PS 33. I submit it to the Tribunal under the No. 84. I read:

"To those responsible for the Execution of the Four Year Plan. The Chief for the Use of Labor:

"Regarding the employment of labor for the Todt Organization, I will be very much obliged if you will permit me to give you the following statistics:

"Since the time that I am responsible for all the labor forces for all German industry, a new labor force has been given to the Todt Organization. The total figure of the workers in the Todt Organization is as follows:

"The end of March 1942 — 270,969 persons.

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"The end of March 1943 -- 696,003 persons.

"In this regard it must be pointed out that labor, and particularly the labor of the Todt Organization, was especially charged with the execution of the work on the Atlantic Wall. This is all the more to be noticed in France, in Belgium, and in Holland."

I skip a few lines. I read page two:

"Despite these innumerable difficulties, the number of workers of the Todt Organization of the West was increased. The end of March 1942 from 66,701 workers to 248,200 workers to the end of March 1943."

The number of foreign workers deported into Germany by 30 September 1941 is included in a report which was found in the Archives of the German Armed Forces High Command. It is Document 1323-PS, which I submit under the number 85. According to this document, 1,228,686 workers were employed in Germany to the 30th of September 1941. Of that figure 483,842 came from the occupied Western territories. I shall read from the document which lists the number of deportees according to country origin. I shall confine myself to reading the items regarding the Western states, since the statistics of workers deported from the East of Europe come within the province of my Soviet colleague.

"End of March, in Holland, 134,093.

"In Belgium, 212,903.

"In France, 77,247.

"In Italy, 23,844."

Finally, on the 7th of July 1944, Sauckel, in one of his last reports, informed the National Socialist Government of the results of his campaign for the first half of 1944. I quote the document, which is No. 208-PS, which I submit to the Tribunal under the number 90. I read from the second page--Coming from Foreign Countries:

"In the north, 33,000.

"In Belgium, with the north of France, 16,000.

"In the Low Countries, 15,000.

"In Italy, 37,000."

This is new labor put at the disposal of German industry the 1st of January 1943. I submit to the Tribunal that that is proof. The Tribunal will remember elsewhere Sauckel's acknowledgement at the 58th conference of the

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Four Years Plan, which I formerly read. Sauckel admitted that there were 5,000,000 foreign workers in Germany, of whom 200,000 were real volunteers.

The actuality of the crime which I am about to present is established by the circumstances of its execution and by the multitude of the victims whom it affected. To prove the seriousness of its effect, it only remains for me to recall the illtreatment which foreign workers received in Germany.

German propaganda has always claimed that foreign workers deported into Germany were treated the same as German workers,--the same living conditions, same working agreements, and the same discipline. The theory is not in itself conclusive. My American colleagues have furnished proof of the wrong which the National Socialist conspirators have done against the dignity and decency of the life of the German worker. The reality was even worse. Foreign workers did not have in Germany the treatment to which, as men, they had the right. I affirm this and I shall try to prove it to the Tribunal.

But I wish, first of all, to draw its attention to the significance of the crime which I am denouncing. It does not only domplement the crime of deportation itself, it gives it its true meaning. I said that the policy of the defendants in the occupied territories could be summed up in the following proposition: Utilization of the living forces and extermination of the unproductive forces. One must ignore this idea, which is one of the ruling conceptions of National Socialism, in order to judge of the treatment which the defendants imposed upon foreign workers. One must not ignore this idea. The Germans used the human potential of the occupied countries up to the extreme limit of its individual strength. They had some consideration for foreign workers to the extent that they wished to increase output. To them was applied the common lot of deportees insofar as their capacity for work decreased.

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I shall justify my argument by presenting to the Tribunal the working conditions, living conditions, and discipline which were imposed upon foreign workers deported to Germany.

I ask the Tribunal to charge the Defendant Sauckel with the exactions which I am going to denounce. The working conditions of the foreign workers were placed under his control by an agreement with which he was fully in accord. The text of this agreement, concluded with the Chief of the German Labor Front, Ley, on the 2nd of June, 1943, appeared in the Reichsarbeitsblatt, 1943, Part I, page 588. I submitted this to the Tribunal at the beginning of my presentation.

According to this agreement, the treatment of foreign workers was subject to the control of an inspection department of the Arbeitseinsatz. The Defendant Sauckel could, therefore, not have been unaware of the cruelties of which foreign workers were the victims. He permitted those which he had not prescribed.

The working conditions of workers deported to Germany provided the first evidence of the desire of the defendants to utilize the human potential of the occupied territories up to the utmost limit of its strength.

I firstof all draw the attention of the Tribunal to the working hours which were imposed upon the foreign workers. The legal working hours were at a minimum of 54 hours a week by the decree of Sauckel dated August 22, 1942. In reality, most foreign workers were subjected to much longer working hours. Special work, which compelled workers to work overtime, was mostly given to foreign workers. It was not unusual for the latter to be forced to work 11 hours a day - that is, 66 hours a week - if they benefited from the weekly rest.

I cite the report of the Minister for Prisoners, Deportees, and Refugees, Document UK 78, which I submit as Document 87:

"Length of Work or Duration of Work.

"2. The average number of working hours was 11 and sometimes 13 a day in certain establishments. At the Maschinenfabrik, Berlin, the Berlin Spandau, the Alkett factory, imposed work of ten hours and a quarter a day, up to 12 hours for the night. At Koenigsberg, the factory for

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caterpillar treads, Krupp, imposed 12 hours a day."

The work of foreign workers was remunerated by a wage identical with that of the German workers.

I draw the attention of the Tribunal to the illusory character of this equality. The policy of freezing wages was a permanent element of the price policy followed by the National Socialist Government, which resulted that the wagesof the workers employed in Germany remained circumscribed. They were, moreover, heavily burdened with taxes. Finally, they were affected by the fines which the German undertakings had the right to impose upon their workers. These fines might reach the sum of the weekly wage for the slightest breach of discipline.

I furnish proof of this in Document D-182. These are two drafts of speeches to foreign civilian workers. One of them is intended for Russian and Polish workers. I leave this for my Soviet colleagues. I submit the other to the Tribunal under the number 88, and I cite:

"The Project of Compensation of Foreign Civilian Workers, Maintenance of Labor Discipline, January 1944.

"I must inform you of the following:

"The increases in the lack of punctuality, and negiligences, have brought the competent authorities to issue new and stronger instructions to insure the discipline of labor. The lack of discipline in labor, such as repeated failure of punctuality, absences without excuse, the abandonment of labor on its own authority, will in the future be punished by fines which may attain the average daily salary. In serious cases - for instance, in absences without excuse - repeated absences of those guilty will be punished by fines which may reach the average weekly salary. Moreover, in such cases, the supplementary ration cards may be taken away for a period which may reach four weeks."

The precariousness of wages, which, after these various cuts, were actually received by the foreign workers, did not allow them to raise the standard of their existence in the places where they had been deported. I say that this standard was insufficiently high and that the attitude of the Arbeitseinsatz in this matter constitutes a characteristic violation

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of the elementary principles of the rights of man. I will demonstrate it in submitting to the Tribunal, proof of the inadequacy of the food supply, the insufficiency of food, and the insufficiency of medical care to which the foreign workers could lay claim.

The German Propaganda Services issued, in France, illustrated pamphlets in which the accommodations reserved for the reception of foreign workers were represented as being extremely comfortable. It was quite different in reality.

I will not stress this point. My American colleague, Mr. Dodd, has already submitted and commented upon Document D-288, a statement concerning Dr. Sager, the doctor in charge of the working camps attached to the Krupp factories. I will not read this document anew to the Tribunal, but I would like to recall that in this document Dr. Sager said that French workers in the Krupp factories, war prisoners, had been billeted for more than a half year in ovens, in places of public convenience, and that the men slept there, five in each small spot. This document

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will be desposed as number 80.

To this insanitary accommodation was added an insufficient diet. I do not claim that the foreign workers deported to Germany were systematically reduced to starvation; I claim the leading principle of National Socialism is expressed in the rules for the feeding of foreign workers. They were decently fed to the extent that the manpower service was to maintain or increase its capacity for work. They were reduced to short rations the moment that, for any reason whatsoever, their industrial output diminished. They then entered into that category of dead forces, which National Socialism sought to destroy.

On September 10, 1942, the Defendant Sauckel declared, to the First Congress of the Labor Administration of Greater Germany: "The feeding and remuneration of foreign workers should be in proportion to their output and their good will." He developed this theme in documents which I am offering in evidence to the Tribunal.

I refer, in the first place, to the letter from Sauckel to Rosenberg, which is Document 016-PS, which I shall not read since it has already been read to the Tribunal by my American colleagues. But I wish, even so, to draw your attention to the second paragraph, page 1, of this document, which concerns the work of war prisoners and foreign workers and civilians:

"All these men must be fed, lodged, and treated in such a way that they may be exploited to the maximum with a minimum of expense."

I ask the Tribunal to remember this formula. This is the question of exploiting to the maximum foreign labor with a minimum of expense. It is the same conception which I find in a letter of Sauckel addressed, 14 March 1943, to the Gauleiters. It is Document 633-PS, which I submit to the Tribunal under the number 90:

"Purpose, treatment, and care to be given to foreign labor.

"Not only does it honor or consider our National Socialist conception of the world opposed to the plutocratic and Bolshevistic methods, but it is, before anything else, good sence which demands proper treatment of foreign labor, even Russians of the USSR. Slaves undernourished, ill, discontented, despairing, full of hate, will never submit to the possibility of exploiting entirely their

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output, which they might do under normal conditions."

I skip now to the paragraph before the end:

"But given that, we will need foreign labor for long years, and their replacement is very limited. I cannot, then, exploit them on a short-range policy and I cannot waste their power of labor."

The criminal conception which these documents express is particularly brought out by the establishment of food sanctions which were inflicted on the deported workers. I refer to Document D-182, which I have just offered in evidence as number 88, and I remind you that it forces the possibility of inflicting on recalcitrant workers the sanction of a partial suppression of food rations. Moreover, those who were exposed to diseases and epidemics, since they were poorly lodged and poorly fed--the foreign workers--did not benefit in any way from suitable medical attention.

I submit, finally, a report given on June 15, 1944, by Dr. Fevrier, head of the Health Service of the French Delegation with the German Labor Front. It is Document 536, which I quote, at page 15. I submit it, first, under the number 91, and I quote at page 15 of the French text, and page 13 of the German text--the last paragraph at page 15:

"At Auschwitz, in a very fine camp of 2,000 workers, we find tubercular people who were recognized as such by the local German doctor of the Arbeitsamt, but this doctor neglects to repatriate them out of hostile indifference. I have now taken steps to obtain their repatriation.

"At Berlin, in a clean hospital, well lighted and well ventilated, where the chief doctor, a German, only comes every three weeks, or a female doctor, who is a Russian, distributes uniformly every morning the same calming drops to all the patients, I have seen a dozen tuberculars, three of them transformed prisoners. They have all, except one, gone beyond the extreme limit at which this treatment might still have had some chance of being efficacious."

No statistics have been made up for foreign workers who died during deportation. Professor Henri Dessaille, Medical Inspector General of the Labor Ministry, estimates that 25,000 French workers died in Germany during their deportation. But not all died of diseases. To slow extermination was added swift extermination in concentration camps.

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The disciplinary regime in effect over the foreign workers was of a severity contrary to the law of nations. I have already given some examples of the sanctions to which the deported workers were exposed. There was something additional. The workers who were deemed recalcitrant by their guards were sent to special reprisal camps, the Straflager; some disappeared in political concentration camps.

I remind the Tribunal that I have already, indirectly, brought to the Tribunal proof of this fact. In the course of my presentation I submitted to the Tribunal this document under number 44, the ordinance of Sauckel of 29 March 1943, which extends the term of the work contracts by the length of time which the workers spent in prison or in internment camps.

I will not dwell on this point. My American colleague, Mr. Dodd, has placed before the Tribunal the documents which prove the shipment of deportees from labor to concentration camps. I permit myself merely to refer the Tribunal to the presentation which Mr. DuBost will furnish the Tribunal within a few days.

I emphasize, however, the significance of this persecution of foreign workers. It constitutes the culmination of the crime of deportation of workers, and the proof of the coherence of the German policy of extermination.

I have already reported to the Tribunal the events which led to the civilian mobilization of foreign workers for the service of National Socialism in Germany. I have shown how the establishment of compulsory labor was inserted into the general framework of the policy of German domination. I have denounced the methods which the Defendants employed for the forcible recruitment of foreign manpower. I have emphasized the importance of the deportations undertaken by the Arbeitseinsatz, and I have recalled how the deported workers were treated and mistreated.

The policy of compulsory labor encompasses all the infractions under the jurisdiction of the Tribunal: Violation of international conventions, attack on the law of nations, common-law crime.

All the defendants bear the responsibility, the functional responsibility, for these infractions. It was the Reich Cabinet which set up the principles of the policy of compulsory recruitment; the High Command of the German Armed

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Forces effected its execution in the workyards of the Wehrmacht, the Kriegsmarine, and the Luftwaffe; the civilian administrations made it the support of the German war economy.

I recall more particularly the guilt of certain of the defendants: Goering, General Delegate for the Four-Year Plan, coordinated the planning and the execution of the plans for the recruitment of foreign laborers. Keitel, Commander in Chief of the Armed Forces, counter-signatory of Hitler's decrees, integrated compulsory labor with his manpower policy. Funk, Reich Minister of Economics, and Speer, Minister of Armament, based their programs of war production on compulsory labor. Sauckel, finally, Delegate General for the Manpower Service, showed himself a resolute, fanatical--as he himself has said--agent of the policy of compulsory enrollment. And Seyss-Inquart, in Holland, was his agent.

The Tribunal will appreciate their respective responsibility, but I ask the Tribunal to condemn the crime of the civilian mobilization of foreign workers. I ask the Tribunal to restore the dignity of human labor which the Defendants attempted to degrade.

M. GERTHOFER: Mr. President, Your Honors, I am the French Prosecutor in charge of that part of the Indictment concerning the facts of which the accused are reproached in the countries of Western Europe, which are provided for in Article 6-B of the Charter of 8 August 1945.

This regulation provides for violations of laws and customs of war which concern, on the one hand, persons, and, on the other hand, private or public property.

The part of the Indictment concerning persons--that is to say, ill-treatment inflicted on war prisoners, on civilians, torturings, murders, deportations, as well as devastations not fustified by military exigencies--were presented to you and will be presented to you by my colleagues. We will have the honor, M. Delpech and myself, to present to you the pillage of private and public property.

The Tribunal is to be informed of the most arid part of the presentation of the French Prosecution. We shall strive to present it as briefly as

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possible, to shorten the reading of numerous documents submitted to the Tribunal, and to avoid, whenever possible, dry figures. We will only bring out the principal facts. Nevertheless,

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sometimes we must enter into details in order that the Tribunal can appreciate certain characteristic facts with which the defendants have been charged, facts which ordinarily we call "economic looting".

Before entering on this subject, I should like to ask the Tribunal for its permission to express all the gratitude of the prosecutors of the Economic Section of the French Delegation to their colleagues from the other Allied Delegations, and particularly the American section of the economic case, which has been kind enough to put at our disposal a great number of German documents discovered by the United States Army, and considerable material means for their reproduction in a sufficient number of copies.

I shall have the honor of presenting in succession to the Tribunal, first, general remarks on economic looting of the occupied countries of Western Europe

Second, the special case of Denmark.

Third, that of Norway.

Fourth, that of Holland.

My colleague, Monsieur Delpech will present a fifth part devoted to Belgium and the Grand Ducky of Luxembourg. I shall have the honor of presenting to you the sixth part, which relates to France, and also to conslude. Finally, Monsieur Delpech in a special presentation will give you specific information on the looting of works of art in the occupied countries of Western Europe.

In the course of the presentation we will submit a certain number of documents. We shall quote only the passages which seem to us the most important. When the same document relates to several different questions, since it is impossible to give all the extracts at the same time because of the complexity of the facts, we shall ready extract concerning each of these questions In presenting them, we shall indicate each time the reference in the document book.

In his speeches and in his writings, Hitler never concealed the economic purposes of the aggression of which Germany was to become guilty. The theories of race and of living space increased the desire of the Germans at the same time that they stimulated their war-like intentions.

After having conquered without struggle Austria and Czechoslovakia, they

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turned against Poland and prepared to attack the countries of Western Europe in which they hoped to find what they lacked in order to assure their dominati

This fact is notable brough out in document EC 461, discovered by the United States Army, which I submit to the Tribunal under Number 92. This is the transcript of a conference held in Goering's office January 30, 1940, with Lt. Colonel Conrath and Director Lange of the construction machines group, of which this is the principal passage:

"Field Marshal Goering first told me that he had to inform me of the view of the Fuehrer on the economic measures which were necessary.

"He expressed himself as follows:

"The Fuehrer is convinced that it would be possible to bring the war to a decisive conclusion by making a great attack in 1940. He figured that Belgium, Holland and Northern France would fall into our possession and that he, the Fuehrer, based his opinion on the calculations that the industrial region of Douai and Lens, of Luxembourg, of Longwy and of Briery might furnish, as far as raw materials are concerned, replacement for the deliveries from Sweden. After this the Fuehrer decided, without worrying about the future, to utilize fully our reserves of raw materials, even if the final years of the war must be affected by this. The accurary of this decision has been strengthened by the view that the best stocks were not the stocks of raw materials but stocks of finished war products. Moreover, one must count, if the aerial war begins, that our factories which furnish the finished product

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may be destroyed. The Fuehrer, moreover, has the view that the principal effort must take place in 1940 to obtain the maximum results, and from this fact we must put aside any long-range production program for the benefit of those which would not be terminated in 1940."

At the time of the invasion the countries of Western Europe had a surplus of products of every kind, but after four years of the prodigal looting and the enslavement of productivity, these countries are ruined, and the whole of their population is weakened physically as the result of rigorouse restrictions.

To reach such results, the Germans used every procedure, particularly violence, ruthlessness and blackmail.

The purpose of the present statement will be to specify the pricipal spoliations ordered by the German leaders in the countries of Western Europe and to show that they constitute, as far as they are concerned, war crimes rightly within the scope of the International Military Tribunal for major war criminals.

It is not possible to draw an exact balance sheet of the German looting and the profit derived by them as the result of the enslavement of productivity in occupied countries. On one hand we do not have enough time. On the other hand, we find ourselves faced with material difficulties resulting from the secret nature of certain operations and the destruction of archives through acts of war or voluntarily at the time of the German rout.

Nevertheless, the documents now collected and the information which we have, permit us to fix the order of the minimum greatness of the spoliations. Nevertheless, I shall ask the Tribunal permission to make three preliminary remarks.

First, the numerous acts of individual looting committed by the Germans will not be referred to by this presentation since they belong to the competence of another jurisdiction.

We shall only mention for the record the pecuiary results, which are incalcuable, of German atrocities. For example, the prejudice experienced by the immediate relatives of murdered breadwinners, or the prejudice suffered by certain victims of ill treatment, who are totally or partially incapacitated, totally or partially, temporarily or permanently prevented

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from working, or the prejudice resulting from the destruction of localities or buildings for the purpose of vengeance or intimidation.

Finally, gentlmen, we shall not discuss the damage resulting from military operations, properly speaking, which would be the pecuiary results of war crimes.

With the permission of the Tribunal, I shall make certain observations on the economic looting of Western Europe. By economic looting, one must understand the removal of wealth of every kind, as well as the enslavement of the productivity of the different invaded nations.

To reach such results in countries generally very industrialized where there were numerous stocks of manufactured objects and abundant reserves of agricultural products, the German undertaking was faced with real difficulties.

At first, although the Germans had used this procedure to its maximum extent, requisitions were not adequate. In fact, they had to find the opportunities for ferretting out the most diverse

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thibgs, which were sometimes hidden by the inhabitants. On the other hand, they had to maintain for their own profit the economic activity of these countries.

The simplest procedure to become masters of the distribution of existing products and their production was to possess almost the total sum of means of payment and to impose, if need be by force, their distribution in exchange for products or levies while struggling against the rise of prices.

Faced with the necessity of not dying of hunger, the populations were thus, naturally, forced to work directly or indirectly for the profit of Germany.

This first part will be divided into five chapters: Chapter 1, German seizure of the means of payment or purchasing power; secondly, enslavement of the productivity of the occupied countries,; thirdly individual purchases, which we must not confuse with the individual acts of looting; fourth, black-markets, organized for the benefit of Germany; fifth, we shall examine the question of economic looting from the point of view of international law and as a contravention of the Hague Convention.

First Chapter, German Seizure of Means of Payment or Purchasing Power:

To have at their disposal all means of payment, the Germans used in different occupied countries nearly the same procedure. First, they took two principal measures. First was the issuing of paper money. By an ordinance of 9 May 1940, published in the "Verordnungsblatt fur die besetzten franzosischen Gebiete", the official German gazette, which will be subsequently referred to under its abbreviation VOBIF, concerning Denmark and Norway, which I submit to the Tribunal under Number 93, concerning Denmark and Norway, and also applying on the 19th of May 1940 to the occupied territory of Belgium, Holland, Luxembourg and France, the Germans proceeded to issue bank notes of the Reichskredit Kasse which were valid only in each of the occupied countries.

The Germans then took a second measure, the freezing within the occupied countries of existing means of payment; notably in France through the ordinances of June 24, August 7, August 16 and September 17, 1940, which will be submitted as documents 95, 96, and 97; ordinances in Belgium of June 17 and July 2, 1940, submitted under the numbers 99 and 100.

These measures, notably the issuing of paper money, left exclusively to the whim of the Germans, without any possible control on the part of the

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financial adminstrations of the occupied countries, were to serve, as we shall show subsequently, as a powerful means of pressure to impose the payment of enormous war tributes under the pretense of maintaining occupation troops and to impose alleged payment agreements through compensation called "clearing", functioning almost exclusively for the benefit of the occupying power.

The occupying power thus procured for itself, under false pretenses, means of payment from which she profited by realizing considerable sums for her sole benefit.

Agricultural products, industrial products, objects of every kind, or levies of services, for which Germany paid regularly in appearances by means either of notes of the Reichskreditkasse or these alleged clearing agreements or through war tributes called indemnities for the maintenance of occupying troops were done knowingly without furnishing any compensating consideration.

It is certain that one can formulate the theory that such regulations are only fictitious and are a fraudulent procedure which was most often used to bring about the economic looting of the occupied countries of Western Europe.

These questions will be examined in a more exact manner subsequently in this presentation. I shall limit myself presently to pointing out to the Tribunal that to bring about the economic looting of the occupied countries with their own money, it would have been necessary that this money preserve an appreciable purchasing power. All the efforts of the Germans were to attempt a stabilization of prices. A severe regulation prohibiting rises in prices was subsequently promulgated by several decrees. VOBIF, pages 8, 60, and 535, submitted under No. 101, document No. 101. Nevertheless, the application of such measures could not prevent economic laws from acting. The payment of excessive tributes, considering the resources of the invaded countries and the massive purchases carried out in these countries by the occupying power, had as a principal result a continuous rise of prices. The leaders of the Reich were perfectly aware of the situation and followed with the greatest attention the rise in prices, which they sought to attenuate.

This we know principally from the secret reports of Hemmen, the president of the Armistice Commission for German economic questions, which we will discuss when we examine the particular or special case

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of the economic looting of France.

Chapter 2, Enslavement of the Production of the Occupied Countries:

When the Germans invaded the countries of Western Europe, a great disorder, as the result of this invasion, reigned there. The population fell back before the enemy advance. Industries were stopped. German troops guarded the factories and prevented anyone whatsoever from entering.

It is not possible for me to give a list of the industrial enterprises which were affected by this situation, since almost all of them were affected by it.

Nevertheless, as an example, we will present to the Tribunal the original of one of the numerous notices placed in industrial establishments of France. I submit this notice under the number 102.

Document 102 is dated Paris, June 28, 1940. One text is in German, and the other is in French. Here is the French text:

"By order of General Field Marshal Goering of 28 June 1940, the Generallufszeugmeister took possession from the fiduciary point of view of this factory. Entry is permitted only to those who have special authorization by the Generallufszeugmeister Verbindungsstelle, Paris."

Hardly had the factories themselves been occupied when German technicians, who came shortly after the troops, proceeded to a methodical removal of the best machines.

It was brought out specially in a secret report of Colonel Helder, dated December 1940 and emanating from the Economic Section of the OKW, page 77 and 78, that the removal of the best machines of the occupied territories was to be organized, in spite of the terms of Article 53 of the Hague Convention.

This document is submitted under the number 103.

On the other hand, the working population - at the end of their resources - were grouped naturally around these factories in the hope of securing their subsistence. In all occupied countries the same problems existed in a painful fashion: to stop looting of the machinery, which continued at a very troubling rate, and to give work to the workers.

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On their side the Germans forced the factories to begin work again under the pretenze that they had to guarantee the supplying of the populations. The ordinance of May 20, 1940, published in the VOBIF, page 31, which we submit under Number 104, applying to the Low Countries, to Holland, to Belgium, to Luxembourg, and to France, prescribes that work should be resumed in all enterprises or industries for food supply or agriculture. The same text provided for the appointment of provisional administrators in the event of the absence of the directors or for any other reasons.

THE PRESIDENT: Would that be a convenient place to break off?

(WHEREUPON at 1300 hours the Tribunal adjourned, to reconvene at 1000 hours, 21 January, 1946).